

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARSHALL PETTY, #B-13277,)
vs. Plaintiff,) Case No. 14-cv-00852-JPG
S. DUNCAN, *et al.*,)
Defendants.)

MEMORANDUM AND ORDER

GILBERT, District Judge:

On July 28, 2014, Plaintiff filed a complaint (Doc. 1) pursuant to 42 U.S.C. § 1983 against the Illinois Department of Corrections (“IDOC”) and four officials at Lawrence Correctional Center (“Lawrence”). The complaint violated the pleading standards set forth under Federal Rule of Civil Procedure 8. Therefore, on August 1, 2014, the Court dismissed the complaint without prejudice and with leave to file an amended complaint on or before September 4, 2014 (Doc. 7, p. 8). The deadline has now passed, and Plaintiff has not filed an amended complaint.

As a result, this case is **DISMISSED with prejudice** for failure to comply with an order of this Court. FED. R. CIV. P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). This dismissal shall count as one of Plaintiff’s three allotted “strikes” within the meaning of 28 U.S.C. § 1915(g).

If Plaintiff wishes to appeal this Order, he may file a notice of appeal with this Court within thirty days of the entry of judgment. FED. R. APP. P. 4(A)(4). If Plaintiff does choose to appeal, he will be liable for the \$505.00 appellate filing fee irrespective of the outcome of the appeal. *See* FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724,

725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockish*, 133 F.3d 464, 467 (7th Cir. 1998). If the appeal is found to be nonmeritorious, Plaintiff may also incur another “strike.” A timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline.¹ FED. R. APP. P. 4(a)(4).

The Clerk’s Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: September 11, 2014

s/J. Phil Gilbert
United States District Judge

¹ A Rule 59(e) motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment. FED. R. CIV. P. 59(e).